

## **REMARKS/ARGUMENTS**

The outstanding Office Action rejects Claims 1-21, 27, 30, and 31 on various grounds. According to the guidance of the Examiner, Claims 1, 5, 22, 28, 32, and 34 are amended herein and Claims 20, 21, 27, 30, and 31 are cancelled to address certain concerns expressed by the Examiner. The various grounds for rejection are discussed below.

Claims 1-19, 22-26, 28, 29, & 32-34 remain pending in this application. Based on the following Amendments and Remarks, reconsideration and allowance of the pending claims is respectfully requested.

### **Rejections Under 35 U.S.C. § 112**

Claims 1-19 have been “rejected” under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite. Upon reading of the Office Action, the applicants perceive that the “rejection” is actually more in the form of an objection to the word “population” rather than an outright rejection of the claims (1-19).

The Action has reasserted that the recitation of a “population of lasers” is indefinite as one of ordinary skill in the art would not understand what the Applicants meant. The applicants maintain their position that “population” is a well-known generic statistical term describing a group or aggregation of selected items.

However, the applicants also believe that a change of language to use the word “group” presents no change in the scope of the claim language. Therefore, the applicants have amended Claims 1 and 5 so that the words: --population of lasers--; have been replaced by the language: “group of lasers”.

The Examiner has expressed that these claims comprise allowable subject matter if rewritten. Accordingly, the applicants respectfully submit that Claims 1-19 have been rewritten in a form calculated to overcome the concerns expressed by the Examiner. The applicants now believe that said amended claims are in compliance with the guidance of the Examiner expressed on page 6 of the Final Office Action mailed December 5, 2006. Therefore, the applicants respectfully submit that Claims 1-19, as now amended, are in allowable form and are ready for a Notice of Allowance.

### **Rejections Under 35 U.S.C. § 103**

Claims 20, 21, 27, 30, and 31 stand rejected under 35 U. S. C. §§ 103(a) as being unpatentable over *Ames* (USPN 5,073,838 hereinafter “*Ames*”) in view of *Levinson* (USPN 5,019,769 hereinafter “*Levinson*”).

Although not in complete agreement with the Examiner, the Applicants have cancelled Claims 20, 21, 27, 30, and 31 and made suitable amendments to the dependent Claims.

For example, Claims 22, 28, 32, and 34 are all amended to incorporate all limitations of the now cancelled base claims. Accordingly, Applicants respectfully submit that all pending claims are now in condition for allowance.

### **Allowable Subject Matter**

The Applicants thank the Examiner for her kind indication of allowance as to Claims 1-19, 22-26, 28-29, and 32-34. Although these claims are presently objected to as being based on rejected base claims the Applicants respectfully submit that that the above amendments and remarks should clarify that the amended dependent claims are now allowable. Therefore, at this time the Applicants respectfully submit that all pending claims are currently allowable as drafted and accordingly request that the pending objection be withdrawn.

### **Conclusion:**

In view of the foregoing amendments and remarks, it is respectfully submitted that the claimed invention as presently presented is patentable over the art of record and that this case is now in condition for allowance.

Accordingly, the Applicants request withdrawal of all pending rejections and request reconsideration of the pending application and prompt passage to issuance. As an aside, the Applicants clarify that any lack of response to any of the issues raised by the Examiner is not an

admission by the Applicants as to the accuracy of the Examiner's assertions with respect to such issues. Accordingly, Applicants specifically reserve the right to respond to such issues at a later time during the prosecution of the present application, should such a need arise.

As always, the Examiner is cordially invited to telephone the Applicants' representative to discuss any matters pertaining to this case. Should the Examiner wish to contact the undersigned for any reason, the telephone number set out below can be used.

Additionally, if any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. NSC1P287).

Respectfully submitted,

BEYER WEAVER, LLP

A handwritten signature in black ink, appearing to read 'F. T. Kalinski II', written over a horizontal line.

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